

### **REMARKS**

Following entry of the foregoing amendments, claims 1 to 3, 10, 11, 13 to 41, 44, 45, and 72 will be pending in this patent application. Claims 18, 19, 21 to 26, 30 to 35, 38 to 40, 44, 45, and 72 have been withdrawn from consideration as drawn to non-elected subject matter. Claims 1 to 3, 10, 11, 13 to 41, 44, 45, and 72 have been amended herein. No new claims have been added, and no claims have been canceled. Support for the amendments is found throughout the specification as originally filed, and the amendments thus do not introduce new matter into the application.

Applicant acknowledges with appreciation the examiner's indication that claims 13 to 17 and 20 would be allowable if rewritten in independent form to include all the limitations of the base and intervening claims. Applicant respectfully requests reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

#### **Alleged Lack of Enablement**

Claim 41 has been rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. The Office asserts that the specification is not enabling for "pharmaceutical" compositions, and indicates that removal of the term "pharmaceutical" from claim 41 would eliminate the basis for the rejection. Without conceding the correctness of asserted lack of enablement, claim 41 has been amended herein to delete the term "pharmaceutical," obviating the rejection. Applicants accordingly, respectfully, request withdrawal thereof.

#### **Alleged Non-Statutory Subject Matter**

Claims 1 to 3, 10, 11, 27 to 29, 36, and 37 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Office asserts that the host cells recited in the claims encompass cells present in human beings, and indicates that reciting that the host cells are "non-human" or "isolated" would remove the basis for the rejection. Without conceding the correctness of the assertion of non-statutory subject matter, claims 1 to 3, 10, 11, 13 to 41, 44,

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45, and 72 have been amended herein to recite that the host cells are isolated, obviating the rejection. Applicant accordingly, respectfully, requests withdrawal thereof.

### **Withdrawn Claims**

Claims 18, 19, 21 to 26, and 30 to 35 are presently withdrawn from consideration as drawn to non-elected species, but are part of the group of claims elected in response to the restriction requirement issued September 14, 2007 for this application. Applicant asks the Office to join claims 18, 19, 21 to 26, and 30 to 35 with the claims presently under examination, in accordance with the Office's election of species practice, if the generic claims from which claims 18, 19, 21 to 26, and 30 to 35 depend are found to be allowable.

### **Conclusion**

Applicant believes that the foregoing constitutes a complete and full response to the official action of record. An early and favorable action is accordingly, respectfully requested.

Respectfully submitted,

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